



Los Angeles County Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

November 17, 2015

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**HEARING ON AMENDMENT TO LOS ANGELES COUNTY CODE
(TITLE 22 – PLANNING AND ZONING) TO REGULATE VINEYARDS IN THE
SANTA MONICA MOUNTAINS NORTH AREA COMMUNITY STANDARDS DISTRICT
PROJECT NO. R2015-02310, ADVANCE PLANNING CASE NO. RADV201500007,
ENVIRONMENTAL CASE NO. RENV201500182
(THIRD SUPERVISORIAL DISTRICT) (3-VOTES)**

SUBJECT

The proposed amendment to Title 22 of the Los Angeles County Code (Zoning Ordinance) would add new permit requirements and development standards for vineyards in the Santa Monica Mountains North Area Community Standards District (CSD). The amendment would define vineyards as a use, require a Conditional Use Permit (CUP) for all new or expanding vineyards, and add development standards for all new and existing vineyards in the CSD area.

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING:

1. Consider the attached Negative Declaration associated with Environmental Assessment No. RENV201500182, together with any comments received during the public review process, find on the basis of the whole record before the Board that there is no substantial evidence that the amendment will have a significant impact on the environment, find that the Negative Declaration reflects the independent judgment of the Board, and adopt the Negative Declaration.
2. Approve the recommendation of the Regional Planning Commission (Commission) to amend Title 22 of the Los Angeles County Code related to permit requirements and

development standards for vineyards within the Santa Monica Mountains North Area CSD, as reflected in the draft ordinance; and

3. Instruct County Counsel to prepare the final ordinance amending Section 22.44.133 (Santa Monica Mountains North Area CSD) of the Los Angeles County Code as recommended by the Commission and to submit the final ordinance to the Board for its consideration.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Santa Monica Mountains North Area CSD

The Santa Monica Mountains North Area CSD is the unincorporated portion of the Santa Monica Mountains that lies west of the City of Los Angeles and north of the Coastal Zone boundary. The area is characterized by steep, rugged mountain slopes and canyons, rolling hills, streams, and oak woodlands. There is tremendous ecological diversity within the entire Santa Monica Mountains, which are home to over 1,000 plant species and 26 distinct natural communities, including freshwater aquatic habitats, oak woodlands, and chaparral. Numerous mammals are found in the mountains, including bobcats, coyotes, deer, and mountain lions. Nearly 400 species of birds have been observed and another 35 species of reptiles and amphibians can also be found in the mountains. The Santa Monica Mountains are also home to more than 50 threatened or endangered plants and animals.

Upsurge in Vineyard Applications in the CSD Area

Since May 2014, the Department of Regional Planning (Regional Planning) received 44 ministerial applications to establish vineyards in the Santa Monica Mountains North Area CSD, a noticeable surge in the number of applications received as compared to prior years. A record search revealed that only 10 vineyard applications had been submitted in the prior three years combined (three applications between May 2013 and May 2014, five applications between May 2012 and May 2013, and two applications between May 2011 and May 2012). This influx of vineyard applications, especially those proposed on undeveloped and/or steeply sloped parcels, raised concerns related to the potential impacts on natural resources.

Such potential impacts include habitat loss and fragmentation, water quality degradation, diminished scenic views, and groundwater depletion. Vineyard development may involve the clearing of native vegetation and/or oak woodlands, which, in turn, may cause a loss of vegetation cover, displacement of wildlife, soil disturbance, and habitat fragmentation.ⁱ Grape vines may cause changes to soil chemistry that could have negative impacts on native plant communities and facilitate the invasion of non-native species.ⁱⁱ Fenced vineyards can impede the movement of wide-ranging species such as deer and bobcats.ⁱⁱⁱ

Vineyard development on steep slopes may cause or exacerbate erosion and runoff into nearby drainage courses. Increasing numbers of vineyards are being built on steeper slopes

and further up within watersheds.^{iv} With greater slopes comes a higher potential for soil loss from sheetwash erosion.^v Vineyard development on hillsides can also create visual impacts that transform the landscape of the Santa Monica Mountains National Recreation Area.^{vi}

In terms of water supply, wine grapes require lower volumes of irrigation per acre than most other crops grown in the state.^{vii} Without a permanent groundwater basin in the Santa Monica Mountains, however, increased agriculture, such as vineyards, may compete with existing private water wells for scarce water resources.^{viii} Information on groundwater availability and usage has historically been difficult to obtain, making it difficult to assess the impact of agriculture on groundwater supply in the Santa Monica Mountains.

Further, there are no existing development standards or restrictions on vineyard development within the Santa Monica Mountains North Area CSD. Vineyards are considered a "crop" use, and are an allowed use in most zones in the CSD area (vineyards are not permitted in the Institutional zone). Vineyards are currently permitted through a ministerial site plan review for most zones, except for the Single Family Residential (R-1) and Residential Planned Development (-RPD) zones, where a CUP is required. As such, vineyard development is often not evaluated for its potential impacts to surrounding natural resources.

Interim Ordinance Regulating Vineyards in the CSD Area

In response to the surge in the number of vineyard applications received and the potential impacts such increased development could pose, as well as the lack of existing regulations governing vineyards in the CSD area, the Board enacted Interim Ordinance No. 2015-0022U on June 16, 2015, to temporarily prohibit the establishment or expansion of vineyards, either as a primary or accessory use, on all properties located in the Santa Monica Mountains North Area CSD, while a study was conducted to consider a possible zoning amendment applicable to the area. On July 28, 2015, the Board voted to extend the ordinance for four months and to allow 28 pending vineyard applications to move forward with a Director's Review, provided they met the requirements listed below:

1. Evidence that water service is being provided by a municipal water district;
2. Proof of legal access;
3. Evidence of no vineyard planting on slopes of 50 percent or greater;
4. Provision of a pest management plan approved by the Departments of Public Health and Agricultural Weights and Measures;
5. Provision of a bioswale plan approved by the Department of Public Works;
6. Provision of an erosion control plan approved by the Department of Public Works; and
7. Evidence that all vineyard planting may only use drip irrigation.

Two of the 28 applicants are currently pursuing permits under the requirements set forth by the Board. The Interim Ordinance further directed Regional Planning to prepare an amendment to the Santa Monica Mountains North Area CSD that would add new

development standards and permit requirements for vineyards in all zones where they are an allowed use.

Proposed Amendment - Vineyard Ordinance

Since Interim Ordinance No. 2015-0022U was enacted, Regional Planning has worked with stakeholders – including vintners, applicants with pending projects, and environmental groups – and consulted with the County Departments of Public Works, Public Health, Fire, and Agricultural Commissioner/Weights and Measures to develop a permanent zoning ordinance amendment regulating vineyards in the Santa Monica Mountains North Area CSD.

The proposed ordinance seeks to address the potential environmental impacts of increased vineyard development in the Santa Monica Mountains North Area and protect the numerous unique natural resources of the area. As mentioned earlier, the ordinance would amend the Santa Monica Mountains North Area CSD by requiring a discretionary review for all new, expanding, and pending vineyard applications in the CSD area and by adding development standards that would regulate new and existing vineyards.

The ordinance also requires vineyard applicants to identify a water source for their proposed vineyards and provide projected water usage. If applicants propose new or deeper wells for vineyard irrigation or operations, they are required to provide well depth, projected flow rate, and impacts to the surrounding region. With the passage of California Senate Bill 83 in June 2015, well data can now be requested from the California Department of Water Resources (DWR). As such, the Commission directed Regional Planning to obtain water well data from DWR, specifically the total number of existing wells, the average depth of these wells, and the number of wells permitted per year within the Santa Monica Mountains North Area. This data could then be used for evaluation purposes as CUPs are processed.

Below is a summary of the key elements of the ordinance:

1. Vineyard Definition: The ordinance defines a vineyard as a plantation of grapevines, which has a minimum land area of 4,356 square feet, and typically produces table grapes or grapes used in winemaking.
2. Discretionary review for new or expanding vineyards: The ordinance requires a CUP for all new and pending vineyard applications, including expansions.
3. Vineyard Limitations: The ordinance sets forth several limitations for new and expanding vineyards, including: a maximum vineyard size of two acres per parcel for new vineyards, limiting vineyard development to slopes of 3:1 or less (33 percent slope), prohibiting the planting of vineyards on significant ridgelines, and requiring that new on-site and off-site access roads or driveways not exceed a maximum of 300 feet

or one-third the parcel depth, whichever is less, unless the County finds, based on substantial evidence, that a modification of this standard is warranted.

4. Water Well Data: The ordinance requires vineyard applicants to provide expected annual water usage for the irrigation of vineyards as well as for on-site operations related to vineyard production. The ordinance also requires applicants to indicate the water source proposed for the site, and whether a new or deeper water well will be needed. If a new or deeper well is needed, the ordinance requires applicants to provide the depth of the proposed well, the projected flow rate, and any anticipated impacts to the surrounding region.
5. Best Management Practices: The ordinance adds a variety of best management practices (BMPs) for both new and existing vineyards to protect the most sensitive habitat, allow for wildlife passage, and prevent the degradation of visual resources. The proposed BMPs are summarized below:
 - a. Pest Control – Integrated pest management (IPM), such as the development of natural enemies of pests, shall be used to prevent and control pests in a manner that avoids harm to other organisms.
 - b. Water Conservation – The use of a managed irrigation system, including drip irrigation, micro-sprinklers, or other similar non-aeration devices, shall be required to conserve water. Additionally, the use of rain barrels and gray water systems where feasible, as well as an annual water report to track water use on the vineyard site, shall be required.
 - c. Water Quality and Soil Erosion – An erosion control/water quality plan shall be required for all new and existing vineyards. The plan, which shall be reviewed by the Department of Public Works, shall include standards to address water quality and erosion, such as stormwater planters, vegetated swales, hydraulic mulching, and velocity dissipation devices. Groundcover shall be planted between crop rows. Clearing to bare earth or discing shall be prohibited. Runoff diversion standards shall be required around waste storage and disposal areas. Anti-dust strategies shall be required for roads and accessways.
 - d. Sensitive Habitat – Vineyards located in a Significant Ecological Area (SEA) shall be required to comply with SEA regulations and standards. A site-specific survey shall be required for all new and expanding vineyards to identify, characterize, and delineate habitat types and any special status species present on a site. New and expanding vineyards shall be sited and designed to avoid or minimize impacts to sensitive and rare species and habitats present on a site. Vineyards shall not be located within 100 feet of sensitive habitats such as

alluvial scrub, wetlands, and rock outcrops. Vineyards shall be required to provide a buffer of at least 100 feet from streams and drainage courses. Vineyard development shall not remove or damage oak trees or encroach into the protected zone of oak trees. Grading, landform alteration, and vegetation removal for access roads and driveways shall be minimized to the greatest extent feasible.

- e. Wildlife – Fencing of vineyards shall be sited and designed to not restrict wildlife movement, except where deemed necessary by the Director of Regional Planning to protect vineyard crop areas. If an applicant requests alternative fencing, the applicant shall submit a fencing plan that demonstrates how the proposed fencing would result in the fewest or least impacts to wildlife, scenic resources, and sensitive habitat, to the satisfaction of the Director.
 - f. Visual Resources – Vineyard development shall be prohibited on Significant Ridgelines, and shall be required to comply with the siting requirements for such ridgelines. A visual simulation shall be required for all new and expanding vineyards, to show how the vineyard would be seen from public roads, parks, and trails. Vineyards shall be sited and designed to not be visible from Scenic Highways or the Backbone Trail where feasible, and to minimize visual impacts to those resources through standards such as siting development in the least visible portion of the site and designing plantings to blend into the natural hillside setting. Fencing, access roads, and driveways shall be sited and designed to be protective of scenic resources.
6. Existing Vineyards: The ordinance requires existing vineyards to demonstrate compliance with a specific set of development standards and BMPs through a site plan review within five years of the effective date of this ordinance. The BMPs are limited to pest management, soil erosion, and water quality, as the vineyards are already in place.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The recommended action supports the second goal of the County Strategic Plan, which is to enrich lives of County residents by providing enhanced services and effectively planning and responding to economic, social, and environmental challenges. The proposed ordinance will establish standards that prevent or reduce the visual and environmental impacts of new and existing vineyard development in the Santa Monica Mountains North Area. The CUP process for new and expanding vineyards will ensure that vineyards are consistent with the community character, and that potential impacts are identified and mitigated to the fullest extent feasible.

FISCAL IMPACT/FINANCING

The recommended action may potentially result in additional costs to the County, as it would require additional staff time to process new vineyard permit applications. If the ordinance is adopted, permit processing staff could potentially immediately receive up to 28 new vineyard CUP applications (based on the number of currently pending applications). Beyond these 28 applications, any other new or expanding vineyard would also be required to submit a CUP application, further adding to staff caseload. Permit processing staff would also receive numerous site plan review applications for existing vineyards that would need to be brought into compliance with the ordinance's requirements. These vineyard applications would require rigorous review, and would be both complex and time consuming. This increased caseload would precipitate the need for additional planning staff to process these permits. Currently, the CUP application fee is \$8,724, and the anticipated environmental assessment fee that would be associated with these applications is \$3,056. The revenue that would be generated by these fees is expected to offset any costs that would be incurred from hiring additional planning staff.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

A public hearing is required pursuant to Section 22.60.174 (Planning and Zoning) of the County Code and Section 65856 of the California Government Code. Required notice must be given pursuant to the procedures and requirements set forth in Section 22.60.174 (Planning and Zoning) of the County Code. These procedures exceed the minimum standards of Sections 6061, 65090, and 65856 of the Government Code related to the notice of public hearing.

On September 30, 2015, the Commission held a duly-noticed public hearing to consider the proposed ordinance. During the hearing, the Commission heard testimony from 23 speakers, fifteen (15) in favor and eight (8) opposed. Those who testified in support of the proposed ordinance included the Santa Monica Mountains Conservancy, the Resource Conservation District of the Santa Monica Mountains, Heal-the-Bay, residents, and local homeowner groups. Those who spoke in opposition included the Malibu Coast Vintners and Grape Growers Alliance, the Triunfo-Lobo Community Association, and local vineyard owners. Additionally, a total of 166 comment letters were received and submitted into the record, 101 in support of and 65 in opposition to the proposed ordinance.

After hearing testimony, the Commission approved a motion to add the additional requirement into the ordinance that vineyard applicants provide projected water usage and if applicable, water well data, for vineyard irrigation and operations. The Commission closed the public hearing and voted 3-0 to recommend that the Board certify and adopt the Negative Declaration, hold a public hearing to consider the proposed ordinance as amended, adopt the

proposed ordinance as amended, and determine that the amendment is consistent with the goals and policies of the Los Angeles County General Plan.

ENVIRONMENTAL DOCUMENTATION

The attached Initial Study showed that there is no substantial evidence, in light of the whole record before the Board, that the adoption of the proposed ordinance would have a significant effect on the environment. Therefore, a Negative Declaration was prepared in accordance with Section 15070 of the California Environmental Quality Act guidelines.

The Draft Initial Study was circulated and posted on the Regional Planning website for public review and comments from August 27, 2015 to September 30, 2015. Copies of the Draft Initial Study were transmitted to the Westlake Village and Agoura Hills County Libraries on August 26, 2015. In addition, public notice was published in two newspapers of general circulation, the Malibu Times and La Opinion. Notices were also mailed to the Department's courtesy list for the Malibu Zoned District, active stakeholder groups in the Santa Monica Mountains, and to wine growers and vineyard applicants. Staff did not receive any comments during the public review period.

IMPACT ON CURRENT SERVICES OR PROJECTS

Approval of the proposed ordinance would not result in any negative impacts on current services or projects. As previously noted, revenue generated from CUP application and environmental assessment fees would cover the costs associated with any additional staff that would be hired to process new vineyard permits.

Should you have any questions, please contact Anita Gutierrez at (213) 974-6422 or agutierrez@planning.lacounty.gov between 7:30 a.m. and 5:30 p.m., Monday through Thursday.

Respectfully submitted,



Richard J Bruckner
Director

for
RJB

RJB:MC:AG:MS:lm

Attachments:

1. RPC Hearing Package and comment letters

2. RPC Resolution
3. Recommended Ordinance for Board Adoption

c: Executive Office, Board of Supervisors
 Assessor
 Chief Executive Office
 County Counsel
 Public Works
 Public Health
 Agricultural Commissioner/Weights and Measures

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ⁱ Adina M. Merenlender. Mapping Vineyard expansion provides information on agriculture and the environment. *California Agriculture* 54(3): 7-12. May-June 2000.

ⁱⁱ Jonna Engel. Rebuttal Statement at California Coastal Commission hearing on the Santa Monica Mountains Local Coastal Program. April 14, 2014.

ⁱⁱⁱ Robb Hamilton. Brief Overview of Biological Effects of Vineyards.

^{iv} Adam T. Baughman, Elizabeth Joy Brown, Willie Brummett, Joanne M. Dramko, Jamie H. Goldstein, and Barry E. Hooper. California Winemaking Impact Assessment. Thesis submitted in partial satisfaction of the requirements for the degree of Master of Environmental Scenic and Management. June 2000.

^v Adam T. Baughman et al., 2000.

^{vi} National Park Service. Letter submitted into record for Los Angeles County Board of Supervisors public hearing on Interim Ordinance 2015-0022U. July 28, 2015.

^{vii} Will Parrish. "Turning Water into Wine". *East Bay Express*: May 27, 2015.

^{viii} Heal the Bay. Letter submitted into record for Los Angeles County Board of Supervisors public hearing on Interim Ordinance 2015-0022U. July 28, 2015.